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PATENT APPLICATION

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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Fort Collins, Colorado 80527-2400ATTORNEY DOCKET NO. 10991850-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Wendy F. Hunter

Confirmation No.: 8198

Application No.: 09/672,415

Examiner: Iraj A. Rahimi

Filing Date: Sep. 28, 2000

Group Art Unit 2622

Title: User Interface For Instant And Full Featured Index Page Printing From A Direct Connect Printer

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Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Jan. 14, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Wendy F. Hunter

By 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/672,415)	Attorney
)	Docket Number: 10991850-1
Filed: September 28, 2000)	
)	Group Art Unit: 2622
Inventor: Wendy Hunter)	
)	Examiner: Iraj A. Rahimi
Title: User Interface For Instant And)	
Full Featured Index Page Printing)	
From A Direct Connect Printer)	
)	
)	

APPELLANT'S/APPLICANT'S OPENING BRIEF ON APPEAL

1. REAL PARTY IN INTEREST.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellant, Appellant's legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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3. STATUS OF CLAIMS.

Claims 1-29 and 31 are pending. Claims 30 and 32 have been canceled. The rejection of all pending claims, Claims 1-29 and 31, is appealed. Only the pending claims appear in Appendix I.

4. STATUS OF AMENDMENTS.

No amendments were filed after the final action.

5. SUMMARY OF CLAIMED SUBJECT MATTER.

The claims relate to printing an index page of thumbnails of images in the same orientation in which each image was acquired.

Claim 1, for example, is directed to a printer user interface that includes: a display (e.g., display 45 in Figs. 1 and 3); an input device for enabling the user to respond to displayed messages (e.g., buttons 180, 190, 200, 210, 220, 240 and 250 in Fig. 3 and Specification page 6, lines 3-21); an interface to a detachable memory device having image files thereon (e.g., connectors 72 and 74 in receptacle 70 and memory card 75, card 75A or 75B, in Figs. 4A and 4B and Specification page 6, line 22 through page 7, line 9); and a processor responsive to a user input to print an index page of thumbnails of the image files in the same orientation in which each image file was acquired by utilizing stored orientation information (e.g., CPU 60 in Fig. 2 and Specification page 5, lines 10-26 and page 8, line 15 through page 9, line 9).

Claim 8, for example, is directed to a printer that includes the user interface of Claim 1. As noted above for Claim 1, the user interface includes: a display (e.g., display 45 in Figs. 1 and 3); an input device for enabling the user to respond to displayed messages (e.g., buttons 180, 190, 200, 210, 220, 240 and 250 in Fig. 3 and Specification page 6, lines 3-21); an interface to a detachable memory device having image files thereon (e.g., connectors 72 and 74 in receptacle 70 and memory card 75, card 75A or 75B, in Figs. 4A and 4B and Specification page 6, line 22 through page 7, line 9); and a processor responsive to a user input to print an index page of thumbnails of the image files in the same orientation in which each image file was acquired by utilizing stored orientation information (e.g., CPU 60 in Fig. 2 and Specification page 5, lines 10-26 and page 8, line 15 through page 9, line 9).

Claim 15, for example, is directed to a method of printing images that includes: acquiring a plurality of image files in a digital file format (e.g., Step A and/or Step C in Fig. 5 and Specification page 6, line 30 through page 7, line 24); and printing an index page of thumbnails of the image files in the same orientation in which each image file was acquired by utilizing stored orientation information (e.g., Step K in Fig. 5 and Specification page 8, line 15 through page 9, line 9).

For example, Claim 22 is directed to a memory media that includes a means for controlling the processor in a user interface to print an index page of thumbnails of image files in the same orientation in which each image file was acquired by utilizing stored orientation information. ROM 82 shown in Fig. 2, which includes printer operating system 84 and page layout program 86, described in the Specification at page 5, lines 10-26 corresponds to the means for controlling the processor. The functions are described in the Specification with regard to Step K in Fig. 5 at page 8, line 15 through page 9, line 9.

For example, Claim 29 is directed to a printer user interface that includes: a display (e.g., display 45 in Figs. 1 and 3); an input device for enabling the user to respond to displayed messages (e.g., buttons 180, 190, 200, 210, 220, 240 and 250 in Fig. 3 and Specification page 6, lines 3-21); an interface to a source of images (e.g., connectors 72 and 74 in receptacle 70 and memory card 75, card 75A or 75B, in Figs. 4A and 4B and Specification page 6, line 22 through page 7, line 9); and a processor responsive to a user input to print thumbnails of the images in an orientation designated by the source (e.g., CPU 60 in Fig. 2 and Specification page 5, lines 10-26 and page 8, line 15 through page 9, line 9).

6. GROUNDS OF REJECTION TO BE REVIEWED.

1. The combination of Reed (6426801) and Anderson (2001/0033303) is not properly motivated. Ground No. 1 applies to all claims.
2. Reed does not teach printing an index page of thumbnails of a selected subset of the image files. Ground No. 2 applies to Claims 2, 9, 16 and 23.

7. ARGUMENT.

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Ground No. 1**The combination of Reed and Anderson is not properly motivated
(Claims 1-29 and 31).**

Claims 1-4, 8-11, 15-18, 22-25, 29 and 31 were rejected under Section 103 as being anticipated by Reed (6426801) in view of Anderson (2001/0033303). Claims 5-7, 12-14, 19-21 and 26-28 were rejected under Section 103 as being obvious over Reed in view of Anderson and Hirai (6493108).

Claim 1 recites a processor responsive to a user input to print an index page of thumbnails of plural image files in the same orientation in which each image file was acquired. Claims 8, 15 and 22 recite similar limitations.

Reed teaches printing an index page of thumbnail images. Reed does not teach printing the thumbnails in the same orientation in which the image represented by the thumbnail was acquired. Anderson teaches displaying a single thumbnail on the LCD of a digital camera in the same orientation in which the image represented by the thumbnail was acquired by the camera.

Obviousness can only be established by combining references if there is some teaching, suggestion, or motivation to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The Examiner must rely on objective evidence and make specific factual findings with respect to the motivation to combine references. MPEP § 2143.01; See, e.g., *In re Sang Su Lee*, 277 F.3d 1338 (Fed. Cir. 2002).

The Examiner asserts that the combination is motivated "to avoid additional processing (rotating) of portrait images before presentation." Final Office Action, page 4. The proffered motivation is pure speculation. The Examiner does not cite to anything in either reference or in the knowledge generally available to those skilled in the relevant art to support this assertion.¹ For this reason alone, the Examiner has failed to meet its burden of supporting the motivational findings with objective evidence.

Anderson does not teach or even suggest there is any such advantage to presenting the thumbnail image in its "true" orientation. Indeed, Anderson teaches displaying the thumbnail in its true orientation as an "alternate embodiment."

¹ At page 2 of the final Action, the Examiner cites to paragraph 57 of Anderson as teaching "the image files are directly displayed which eliminate [sic] the need to process ... image data." This citation is incorrect. Paragraph 57 in Anderson does not address how images are displayed.

Anderson, paragraph [0074]. Furthermore, the fact that prior art photo index pages were printed with all landscape thumbnails suggests that those skilled in the art felt some "processing" efficiency would be lost by printing the thumbnail images in their "true" orientation. Hence, not only is the Examiner's assertion speculative, it is inconsistent with the teachings of Anderson and the apparent knowledge generally available to those skilled in the art. The rejection of Claims 1, 8, 15, 22 and 29, and their respective dependent claims, should be withdrawn.

Ground No. 2

Reed does not teach printing an index page of thumbnails of a selected subset of the image files (Claims 2, 9, 16 and 23).

Claim 2 depends from Claim 1 and recites the further limitation that the processor is responsive to a user input to print an index page of thumbnails of a selected subset of the image files. Claims 9, 16 and 23 recite a similar limitation.

The Examiner asserts incorrectly that Reed teaches this further limitation at column 7, lines 25-40. The cited passage addresses printing the full size image associated with one or more of the thumbnail images. The cited passage says nothing about printing thumbnail images or index pages containing thumbnail images. In fact, Reed does not teach printing thumbnails of only a subset of the image files. Instead, Reed teaches printing thumbnail images of "all photo on camera card." Block 128 on Fig. 10 and column 7, lines 18-23.

For this additional reason, the rejection of Claims 2, 9, 16 and 23 should be withdrawn.

Respectfully submitted,

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APPENDIX I – CLAIMS INVOLVED IN THE APPEAL

1. A printer user interface comprising:
a display for displaying information, including messages to a user;
an input device for enabling the user to respond to the displayed messages;
an interface to a detachable memory device including a plurality of image files;
and
a processor coupled to said input device, said display, and to said interface, said processor responsive to a user input to print an index page of thumbnails of said plurality of image files in the same orientation in which each said image file was acquired by utilizing stored orientation information.
2. The user interface of claim 1, wherein said processor is further responsive to a user input to print an index page of thumbnails of a selected subset of said plurality of image files.
3. The user interface of claim 1, wherein said processor is further responsive to a user input specifying a number of thumbnails to be printed for an image file.
4. The user interface of claim 1, wherein each image file is assigned a unique identification in said detachable memory device, and wherein each thumbnail is printed with said unique identification.
5. The user interface of claim 4, wherein each image file is assigned an image number and a date in said detachable memory device, and each thumbnail is printed with said image number and date.
6. The user interface of claim 5, wherein said unique identification, said image number, and said date are printed outside of a border of said thumbnail.
7. The user interface of claim 1, wherein a printed size of each thumbnail is determined by a size of a sheet on which said thumbnail is to be printed.

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8. A printer comprising:
a user interface further comprising:
a display for displaying information, including messages to a user;
an input device for enabling the user to respond to the displayed messages;
an interface to a detachable memory device including at least one image file;
and
a processor coupled to said input device, said display, and to said interface, said processor responsive to a user input to print an index page of thumbnails of said plurality of image files in the same orientation in which each said image file was acquired by utilizing stored orientation information.
9. The printer of claim 8, wherein said processor is further responsive to a user input to print an index page of thumbnails of a selected subset of said plurality of image files.
10. The printer of claim 8, wherein said processor is further responsive to a ~~third~~ user input specifying a number of thumbnails to be printed for an image file.
11. The printer of claim 8, wherein each image file is assigned a unique identification in said detachable memory device, and wherein each thumbnail is printed with said unique identification.
12. The printer of claim 11, wherein each image file is assigned an image number and a date in said detachable memory device, and each thumbnail is printed with said image number and date.
13. The printer of claim 12, wherein said unique identification, said image number, and said date are printed outside of a border of said thumbnail.
14. The printer of claim 8, wherein a printed size of each thumbnail is determined by a size of a sheet on which said thumbnail is to be printed.

15. A method of printing images comprising the steps of:
acquiring a plurality of image files in a digital file format; and
printing an index page of thumbnails of said plurality of image files in the same orientation in which each image file was acquired by utilizing stored orientation information.

16. The method of claim 15, said method further comprising the step of printing an index page of thumbnails of a selected subset of said plurality of image files.

17. The method of claim 15, further comprising printing a specified number of thumbnails for an image file.

18. The method of claim 15, wherein each image file is assigned a unique identification, said method further comprising the step of printing each thumbnail with said unique identification.

19. The method of claim 18, wherein each image file is assigned an image number and a date, said method further comprising the step of printing each thumbnail with said image number and date.

20. The method of claim 19, further comprising the step of printing said filename, said image number, and said date outside of a border of said thumbnail.

21. The method of claim 15, further comprising the step of determining a printed size of each thumbnail from a size of a sheet on which said thumbnail is to be printed.

22. A memory media, including instructions for controlling a user interface comprising a display for displaying information, including messages to a user, an input device for enabling the user to respond to the displayed messages, an interface to a detachable memory device including at least one image file, a processor coupled to said input device, said display, and to said interface, said memory media comprising:

means for controlling said processor to print an index page of thumbnails of said plurality of image files in the same orientation in which each image file was acquired by utilizing stored orientation information.

23. The memory media of claim 22, said memory media further comprises means for controlling said processor to print an index page of thumbnails of a selected subset of said plurality of image files.

24. The memory media of claim 22, further comprising means for controlling said processor to print a specified number of thumbnails for an image file.

25. The memory media of claim 22, wherein each image file is assigned a unique identification, said memory media further comprising means for controlling said processor to print each thumbnail with said unique identification.

26. The memory media of claim 25, wherein each image file is assigned an image number and a date, said memory media further comprising means for controlling said processor to print each thumbnail with said image number and date.

27. The memory media of claim 26, further comprising means for controlling said processor to print said filename, image number, and date outside a border of said thumbnail.

28. The memory media of claim 22, further comprising means for controlling said processor to determine a printed size of each thumbnail from a size of a sheet on which said thumbnail is to be printed.

29. A printer user interface comprising:
a display for displaying information, including messages to a user;
an input device for enabling the user to respond to the displayed messages;
an interface to a source of images; and

a processor coupled to said input device, said display, and to said interface, said processor responsive to a user input to print thumbnails of said images in an orientation designated by said source.

31. A memory media, including instructions for a printer processor to print thumbnails of images received from a source external to the printer in an orientation designated by said external source.

APPENDIX II – EVIDENCE SUBMITTED UNDER RULES 130, 131 OR 132

none

APPENDIX III – RELATED PROCEEDINGS

none